

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MINH PHAM,

Plaintiff,

v.

KING COUNTY, et al.,

Defendants.

CASE NO. C24-1456JLR

ORDER

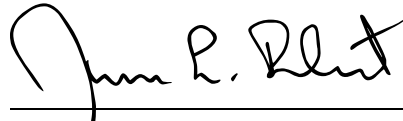
Before the court is Plaintiff Minh Pham’s motion for partial summary judgment. (Mot. (Dkt. # 28).) Mr. Pham asks the court to rule as a matter of law that Defendant Warren McPherson¹ was negligent and at fault for the October 21, 2022 vehicle collision at the center of this case. (Mot. at 2.) Mr. McPherson “agrees that [his] driving conduct that evening was negligent and that his negligence was a cause of the collision[.]” (Resp.

¹ Mr. Pham also sought the same ruling with respect to former Defendant Camron Olson. (See Mot. at 2.) The parties, however, have since stipulated to the dismissal of Mr. Olson with prejudice. (See 4/17/25 Order (Dkt. # 52); Notice of Settlement (Dkt. # 50).)

1 (Dkt. # 47) at 1.) Mr. McPherson asks, however, that the court’s order granting Mr.
2 Pham’s motion for partial summary judgment “not preclude [Mr.] McPherson from
3 pursuing the comparative fault defense[.]” (*Id.* at 2.) Mr. Pham argues in reply that the
4 court should reject Mr. McPherson’s request because the comparative fault defense is not
5 viable under the facts of this case. (*See generally* Reply (Dkt. # 48).)

6 The court finds that there is no genuine dispute of material fact that Mr.
7 McPherson was negligent and that his negligence proximately caused the October 21,
8 2022 collision. Therefore, the court GRANTS Mr. Pham’s motion for partial summary
9 judgment (Dkt. # 28). The court denies Mr. Pham’s request to prohibit Mr. McPherson
10 from asserting a comparative fault defense without prejudice to raising the issue in an
11 appropriate motion. *See United States v. Puerta*, 982 F.2d 1297, 1300 n.1 (9th Cir. 1992)
12 (“New arguments may not be introduced in a reply brief.”). The court makes no ruling
13 regarding Mr. Pham’s other asserted claims, damages, or apportionment of fault among
14 Defendants.

15 Dated this 18th day of April, 2025.

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18 JAMES L. ROBART
United States District Judge
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